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Human rights questions: implementation of human rights instruments

Report of the Third Committee

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session, under the item entitled "Human rights questions", the sub-item entitled "Implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item at its 35th and 36th meetings, on 6 and 7 November 2003, and took up proposals relating to the sub-item at its 42nd, 43rd, 54th and 60th meetings, on 12, 13 and 21 and 28 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/58/SR.35, 36, 42, 43, 54 and 60).

3. For the documents before the Committee under this sub-item, see A/58/508.

4. At the 35th meeting, on 6 November, the Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/58/SR.35).

II. Consideration of proposals

A. Draft resolution A/C.3/58/L.42

5. At the 42nd meeting, on 12 November, the representative of Denmark, on behalf of Afghanistan, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, the Congo, Costa

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Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Eritrea, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Mozambique, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zambia, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/58/L.42). Subsequently, Benin, Belarus, Bolivia, Côte d'Ivoire, Ecuador, El Salvador, Estonia, Ethiopia, Jordan, Kenya, Malawi, Mauritius, the Federated States of Micronesia, Mongolia, Namibia, the Niger, Paraguay and Turkey joined in sponsoring the draft resolution.

6. At the same meeting, the representative of Denmark orally revised the draft resolution by inserting the word "and" after the words "on 25 June 1993" in operative paragraph 2, and by replacing the word "*Welcomes*" by the words "*Notes with appreciation*" in operative paragraph 17.

7. At the 43rd meeting, on 13 November, the Secretary of the Committee read out a statement regarding programme budget implications arising from the draft resolution (see A/C.3/58/SR.43).

8. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.42, as orally revised, without a vote (see para. 23, draft resolution I).

B. Draft resolution A/C.3/58/L.44

9. At the 42nd meeting, on 12 November, the representative of Sweden, on behalf of Argentina, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and Ukraine, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/58/L.44). Subsequently, Bolivia, Brazil, Estonia, Lesotho, Malta, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Venezuela joined in sponsoring the draft resolution.

10. At the 54th meeting, on 21 November, the Secretary of the Committee read out a statement regarding programme budget implications arising from the draft resolution (see A/C.3/58/SR.54).

11. At the same meeting, the representative of Sweden orally revised the draft resolution as follows:

(a) In operative paragraph 3, the word "accede" was replaced by the words "consider as a matter of priority acceding", and the words "to make" were replaced by the word "making";

(b) Operative paragraph 25, which read:

"25. *Recognizes* the importance of further considering the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights as well as the need for further efforts towards developing indicators and benchmarks in order to strengthen progressively the full realization and enjoyment of these rights",

was replaced by:

"25. *Notes* the need for further consideration of the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights and for further efforts towards developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the Covenant".

12. Also at the 54th meeting, the representative of the United States of America orally proposed an amendment to the draft resolution by which the word "become" would be replaced by the words "consider becoming" in operative paragraph 3.

13. At the same meeting, the Committee voted on the amendment proposed by the representative of the United States. The amendment was rejected by a recorded vote of 13 to 116, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Brunei Darussalam, Colombia, Cuba, India, Israel, Malaysia, Oman, Pakistan, Philippines, Saudi Arabia, Singapore, United States of America.

Against:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Abstaining:

Albania, Antigua and Barbuda, Azerbaijan, Bangladesh, Benin, Bhutan, Burkina Faso, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, Fiji, Gabon, Guinea, Guyana, Haiti,

Madagascar, Nauru, Nepal, Rwanda, Togo, Tuvalu, Uganda, United Republic of Tanzania.

14. Before the vote on the amendment, statements were made by the representatives of Argentina, the United Kingdom and New Zealand (see A/C.3/58/SR.54).

15. The Committee then adopted draft resolution A/C.3/58/L.44, as orally revised, without a vote (see para. 23, draft resolution II).

16. After the adoption of the draft resolution, the representatives of the Sudan, the Syrian Arab Republic, Mali, the Niger and Pakistan made statements (see A/C.3/58/SR.54).

C. Draft resolution A/C.3/58/L.45

17. At the 42nd meeting, on 12 November, the representative of Mexico, on behalf of Azerbaijan, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Paraguay, Peru, the Philippines, Senegal and Uruguay, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/58/L.45). Subsequently, Bangladesh, Bolivia, Burkina Faso, Cape Verde, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, the Gambia, the Niger, Nigeria, Mali, the Sudan, Tunisia and Uganda joined in sponsoring the draft resolution.

18. At the same meeting, the representative of Mexico orally corrected the draft resolution by replacing the words "in due time" by the words "in a timely manner" in operative paragraph 7.

19. At the 43rd meeting, on 13 November, the Secretary of the Committee read out a statement regarding programme budget implications arising from the draft resolution (see A/C.3/58/SR.43).

20. At the same meeting, the representative of Mexico orally revised the draft resolution by replacing the words "*Expresses its appreciation* for" by the words "*Takes note* of" in operative paragraph 5.

21. Also at the 43rd meeting, the Committee adopted draft resolution A/C.3/58/L.45, as orally corrected and revised, without a vote (see para. 23, draft resolution III).

D. Draft decision proposed by the Chairman

22. At its 60th meeting, on 28 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 24):

(a) Report of the Human Rights Committee;[1]

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40* (A/58/40).

(b) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/58/306);

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/58/326);

(d) Note by the Secretariat transmitting the report of the chairperson of the human rights treaty bodies on their fifteenth meeting, held at Geneva from 23 to 27 June 2003 (A/58/350).

III. Recommendations of the Third Committee

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[1] article 7 of the International Covenant on Civil and Political Rights,[2] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling also that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict, and that the prohibition of torture is explicitly affirmed in all relevant international instruments,

Recalling further all previous resolutions or decisions on torture and other cruel, inhuman or degrading treatment or punishment of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 57/200 of 18 December 2002 and Commission resolution 2003/32 of 23 April 2003,[4]

Recalling the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[5] that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture, which play an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 3452 (XXX), annex.

[4] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] A/CONF.157/24 (Part I), chap. III.

Mindful of its proclamation, in its resolution 52/149 of 12 December 1997, of 26 June as the United Nations International Day in Support of Victims of Torture,

1. *Condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[6]

2. *Urges* all Governments to promote the full implementation of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[5] and stresses in particular that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and that national legal systems should ensure that the victims of such acts obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, and encourages the development of rehabilitation centres for victims of torture;

3. *Takes note* of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to its resolution 55/89 of 4 December 2000 as a useful tool in efforts to combat torture;

4. *Urges* Governments to take effective measures to provide redress and to prevent torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations;

5. *Stresses* that, under article 4 of the Convention, torture must be made an offence under domestic criminal law, and emphasizes that acts of torture are serious violations of international humanitarian law and that the perpetrators are liable to prosecution and punishment;

6. *Notes with appreciation* that one hundred and thirty-four States have become parties to the Convention, and urges all States that have not yet done so to become parties to the Convention as a matter of priority;

7. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

8. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

9. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

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[6] Resolution 39/46, annex.

10. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

11. *Stresses*, in this context, that States must not punish personnel referred to in paragraph 10 above for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

12. *Calls upon* States parties to consider signing and ratifying the Optional Protocol to the Convention, adopted by the General Assembly in its resolution 57/199 of 18 December 2002, which provides further measures for use in the fight against and the prevention of torture, and notes in this context that ratifications by twenty States parties are required for the Optional Protocol to enter into force, and that twenty-one States have already signed the Protocol and two States have ratified it;

13. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

14. *Welcomes* the work of the Committee against Torture and the report of the Committee,[7] submitted in accordance with article 24 of the Convention;

15. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

16. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

17. *Notes with appreciation* the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture,[8] describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture;

18. *Invites* the Special Rapporteur to continue to examine questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women, and conditions conducive to such torture, and to make appropriate recommendations for the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, with the aim of enhancing further their effectiveness and mutual cooperation;

19. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other

[7] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 44* (A/58/44).

[8] See A/58/120.

cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations for the prevention of such torture;

20. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to requests by the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur in following up his recommendations;

21. *Reiterates* the need for the Special Rapporteur to be able to respond effectively, in particular to urgent appeals, to credible and reliable information that comes before him, and invites the Special Rapporteur to continue to seek the views and comments of all concerned, in particular Member States;

22. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

23. *Stresses* the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

24. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;[9]

25. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

26. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

27. *Also requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for victims of torture and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

28. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

[9] See A/58/284.

29. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel and health-care personnel matters relating to the protection of human rights and the prevention of torture, while bearing in mind a gender perspective;

30. *Requests* the Secretary-General to submit to the Commission on Human Rights at its sixtieth session and to the General Assembly at its fifty-ninth session a report on the status of the Convention and a report on the operations of the Fund;

31. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

32. *Decides* to consider at its fifty-ninth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture.

Draft resolution II
International Covenants on Human Rights

The General Assembly,

Recalling its resolution 56/144 of 19 December 2001 and Commission on Human Rights resolution 2002/78 of 25 April 2002,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General[4] on the status of the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and the Optional Protocols to the International Covenant on Civil and Political Rights,[5]

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[2] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Welcomes once again* the initiative of the Secretary-General at the Millennium Assembly of the United Nations to invite heads of State and Government to sign, ratify or accede to the International Covenants on Human Rights, and expresses its appreciation to those States that have done so;

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[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

[4] A/58/307.

[5] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

3. *Strongly appeals* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as to consider as a matter of priority acceding to the Optional Protocols to the International Covenant on Civil and Political Rights[5] and making the declaration provided for in article 41 of the Covenant;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;

5. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. *Also emphasizes* that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights;

7. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and in this regard particularly takes note of General Comment No. 29 adopted by the Human Rights Committee;[6]

8. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

9. *Also encourages* States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights with a view to withdrawing them;

10. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-seventh[7] and fifty-eighth[8] sessions, and takes note of the General Comments adopted by the Committee;[9]

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[6] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

[7] Ibid., *Fifty-seventh Session, Supplement No. 40* (A/57/40).

[8] Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40).

[9] See HRI/GEN/1/Rev.6.

11. *Welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its twenty-fifth, twenty-sixth and twenty-seventh sessions[10] and on its twenty-eighth and twenty-ninth sessions,[11] and takes note of the General Comments adopted by the Committee;[9]

12. *Urges* States parties to fulfil their reporting obligations under article 40 of the International Covenant on Civil and Political Rights on time and to attend and participate in the consideration of the reports by the Human Rights Committee when so requested, and in this regard takes note of General Comment No. 30 adopted by the Committee;[9]

13. *Also urges* States parties to fulfil their reporting obligations under article 16 of the International Covenant on Economic, Social and Cultural Rights on time and to attend and participate in the consideration of the reports by the Committee on Economic, Social and Cultural Rights when so requested;

14. *Further urges* States parties to make use in their reports of gender-disaggregated data, and stresses the importance of taking fully into account a gender perspective in the implementation of the Covenants at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights;

15. *Strongly encourages* States parties that have not yet submitted core documents[12] to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents;

16. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

17. *Invites* States parties to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the recommendations and observations made by the Committees after the examination of those reports;

18. *Urges* all States to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

19. *Urges* each State party to translate, publish and make available as widely as possible in its territory by appropriate means the full text of the concluding observations on its reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

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[10] *Official Records of the Economic and Social Council, 2002, Supplement No. 2* (E/2002/22).

[11] Ibid., *2003, Supplement No. 2* (E/2003/22).

[12] See HRI/CORE/1 and addenda.

20. *Reiterates* that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, as well as to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

21. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

22. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

23. *Welcomes* the meeting held by the Human Rights Committee and States parties, in October 2002, and the meeting held by the Committee on Economic, Social and Cultural Rights and States parties, in May 2003, to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

24. *Also welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

25. *Notes* the need for further consideration of the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights and for further efforts towards developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the Covenant;

26. *Takes note with interest* of the establishment by the Commission on Human Rights at its fifty-ninth session of an open-ended working group with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights and making specific recommendations on its course of action concerning the question of such an optional protocol, and encourages all parties to participate actively in the first session of the working group;

27. *Encourages* the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of that Covenant, and expresses its appreciation to those that have done so;

28. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities available under the programme of advisory services in the field of human rights;

29. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

30. *Welcomes* the initiative of the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Department of Public Information of the Secretariat, to give more publicity to the work of that Committee and of the Committee on Economic, Social and Cultural Rights;

31. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

Draft resolution III
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Guided by the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5] and reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Recalling that, despite the existence of an already established body of principles and norms, there is an urgent need to make further efforts worldwide to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Conscious of the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Deeply concerned at the grave situation of vulnerability of migrant workers and members of their families,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia directed against migrant workers by individuals or groups in segments of many societies,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] A/CONF.157/24 (Part I), chap. III.

1. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[7] on 1 July 2003;

2. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in various parts of the world;

3. *Welcomes* the signature or ratification of or accession to the Convention by some States, and takes note of the report of the Secretary-General on the status of the Convention;[8]

4. *Calls once again upon* all Member States that have not yet ratified the Convention to consider urgently signing and ratifying or acceding to it;

5. *Takes note* of the arrangements for the initial meeting of States parties to the Convention, to be held on 11 December 2003;

6. *Requests* the Secretary-General to make all necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, referred to in article 72 of the Convention;

7. *Calls upon* States parties to the Convention to submit in a timely manner their first periodic report, as requested in article 73 of the Convention;

8. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

9. *Welcomes* the increasing activities of the global campaign for the entry into force of the Convention, and invites the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention;

10. *Also welcomes* the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in relation to the Convention, and encourages her to persevere in that endeavour;

11. *Requests* the Secretary-General to submit an updated report on the status of the Convention to the General Assembly at its fifty-ninth session;

12. *Decides* to consider the report of the Secretary-General at its fifty-ninth session under the sub-item entitled "Implementation of human rights instruments".

[7] Resolution 45/158, annex.

[8] A/58/221.

24. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the question of the implementation of human rights instruments

The General Assembly takes note of the following reports:

(a) Report of the Human Rights Committee;[1]

(b) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[2]

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[3]

(d) Note by the Secretariat transmitting the report of the chairpersons of the human rights treaty bodies on their fifteenth meeting, held at Geneva from 23 to 27 June 2003.[4]

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[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40* (A/58/40).
[2] A/58/306.
[3] A/58/326.
[4] A/58/350.